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9 Berkeley, CA 94709  
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12 Attorneys for Plaintiffs

13 (additional attorneys listed on next page)

14 UNITED STATES DISTRICT COURT  
15 NORTHERN DISTRICT OF CALIFORNIA  
16 OAKLAND DIVISION

15 LIGHTHOUSE FOR THE BLIND AND  
16 VISUALLY IMPAIRED, on behalf of  
17 itself and all others similarly situated,  
18 ANGELA GRIFFITH, on behalf of herself  
19 and all others similarly situated, LISA  
20 MARIA MARTINEZ, on behalf of herself  
21 and all others similarly situated, JOSH  
22 SAUNDERS, on behalf of himself and all  
23 others similarly situated, SHANA RAY, on  
24 behalf of herself and all others similarly  
25 situated, and JENNIFER WESTBROOK,  
26 on behalf of herself and all others similarly  
27 situated,

28 Plaintiffs,

v.

REDBOX AUTOMATED RETAIL, LLC,  
AND SAVE MART SUPERMARKETS,

Defendants.

No. 12-cv-00195 PJH

**(PROPOSED) ORDER GRANTING  
MOTION FOR PRELIMINARY  
APPROVAL OF CLASS SETTLEMENT;  
CERTIFYING SETTLEMENT CLASS;  
DIRECTING ISSUANCE OF  
SETTLEMENT NOTICE; AND  
SCHEDULING OF HEARING ON FINAL  
APPROVAL**

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9 Attorneys for Defendants

10 REDBOX AUTOMATED RETAIL, LLC and SAVE MART SUPERMARKETS  
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2 WHEREAS, the Parties in the above-captioned litigation have advised the Court that they  
3 have settled the litigation, the terms of which have been memorialized in a settlement agreement  
4 (hereafter "Settlement Agreement").

5 WHEREAS, the parties have applied to this Court through a joint motion for an order (1)  
6 certifying the proposed class for settlement purposes only, (2) granting preliminary approval of  
7 the Agreement resolving all claims in the above-captioned matter, (3) directing notice to the  
8 settlement class, and (4) setting a fairness hearing; and

9 WHEREAS, the Court has read and considered the Joint Motion for Preliminary  
10 Approval, the points and authorities and declarations submitted therewith, the proposed  
11 Settlement Agreement, and all of the supporting documents; and good cause appearing:

12 NOW, THEREFORE, IT IS HEREBY ORDERED:

- 13 1. This Order incorporates by reference the definitions in the Settlement Agreement and all  
14 terms defined therein shall have the same meaning in this Order as set forth in the  
15 Settlement Agreement.
- 16 2. The Joint Motion for Preliminary Approval of the Agreement ("Joint Motion") is granted.  
17 All pending pretrial deadlines and the trial date are hereby vacated. It appears to this  
18 Court on a preliminary basis that the Settlement Agreement is fair, adequate and  
19 reasonable.
- 20 3. The proposed Settlement Class is hereby preliminarily certified pursuant to FRCP 23(a)  
21 and (b)(3) for purposes of settlement. The Settlement Class is defined as:

22  
23 All Legally Blind individuals who, due to the visual interface utilized at the  
24 Redbox Kiosks located in California, have attempted but were unable to access the  
25 products or services available at Redbox Kiosks located in California, or were  
26 deterred from accessing those products or services at the Redbox Kiosks in  
27 California, between January 12, 2010 and November 12, 2014. "Legally Blind"  
28 individuals include all persons with visual impairments who meet the legal  
definition of blindness in that they have a visual acuity with correction of less than  
or equal to 20 x 200 in the better eye, or they have a visual field limitation such  
that the widest diameter of the visual field, in the better eye, subtends an angle no  
greater than 20 degrees, as measured with a Goldmann III4e or equivalent size  
stimulus. Some people who meet this definition have limited vision. Others have  
no vision.

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2 4. Certification of the settlement class shall be solely for settlement purposes and without  
3 prejudice in the event that the Agreement is not finally approved by this Court or  
4 otherwise does not take effect. Certification of the settlement class shall be vacated and  
5 shall have no effect in the event that the Agreement is not finally approved by this Court  
6 or otherwise does not take effect.

7 5. The Court hereby appoints and designates Named Plaintiffs Angela Griffith, Lisamaria  
8 Martinez, Josh Saunders, Shana Ray and Jennifer Westbrook as representatives of the  
9 Settlement Class.

10 6. The Court hereby appoints and designates the Named Plaintiffs' attorneys of record as  
11 Class Counsel for the Settlement Class.

12 7. Notice of the proposed Settlement Agreement shall be given to class members.

13 The Long Form Notice attached as Exhibit C to the Agreement and the Short Form Notice  
14 attached as Exhibit D to the Agreement are hereby approved as to form. By August 13,  
15 2014, the Parties shall distribute the Notice of the proposed Settlement Agreement  
16 advising the Class of the terms of the proposed Settlement Agreement and their right to  
17 object to the proposed Settlement Agreement. This Notice shall be distributed as follows:

- 18 a) Class Counsel and Defendants shall ensure that the Long Form Notice and Short  
19 Form Notice shall be posted on the Settlement Website during the period starting  
20 on August 13, 2014 and ending on November 12, 2014. The Settlement website  
21 shall also contain access to the Claim Form (in a form materially identical to the  
22 Claim Form attached as Exhibit A to the Settlement Agreement) and contain  
23 instructions for completing Claims Forms (in a form materially identical to the  
24 Claim Form Instructions attached as Exhibit B to the Settlement Agreement).
- 25 b) Defendants shall provide the Notice to any person that has complained to Redbox  
26 or Save Mart about the accessibility of the Kiosks in California for the blind or  
27 visually impaired, if any, and to the extent Redbox or Save Mart is reasonably  
28 aware of such complaint and has either an email address or mailing address for

such person(s). If Redbox or Save Mart has an email address for any person requiring notice under this Section, the Notice shall be provided by email in an accessible electronic format, which are electronic formats, including Microsoft Word Documents, properly formatted PDF files, RTF files, and text files, that can be read using screen reading technology. If Redbox or Save Mart has a mailing address for anyone requiring notice under this Section, the mailing addresses for these individuals shall be provided to Class Counsel, and Class Counsel shall mail to each individual through U.S. mail hard copies of the Notice in an alternate accessible format. For purposes of this Section “alternate accessible format” refers to Braille documents, large print documents, audio recordings, or other formats that legally blind individuals can independently read.

- c) Class Counsel shall post the Long Form Notice and Short Form Notice on the website of Disability Rights Advocates during the period starting on August 13, 2014 and ending on November 12, 2014;
- d) Class counsel shall electronically mail the Long Form Notice to the following email list serves, which exist to provide information relevant to blind Californians: [nfbc-info@nfbnet.org](mailto:nfbc-info@nfbnet.org), [cabs-talk@nfbnet.org](mailto:cabs-talk@nfbnet.org), and the California Council of the Blind’s email list serve.
- e) Class Counsel shall electronically mail the Long Form Notice to the following organizations serving blind persons in California:

Lions Center for the Blind  
 2115 Broadway  
 Oakland, CA 94612  
 Phone: (510) 450-1580  
 Website: <http://www.lbcenter.org/>

Vista Center for the Blind and Visually Impaired  
 2470 El Camino Real, Suite 107  
 Palo Alto, CA 94306  
 Phone: (650) 858-0202  
 Toll-Free phone: (800) 660-2009  
 Fax: 650-858-0214

Website: <http://www.vistacenter.org/>

Santa Clara Valley Blind Center

101 North Bascom Avenue

San Jose, CA 95128

Phone: 408-295-4016

Fax: 408-295-1398

Website: [www.visionbeyondsight.org](http://www.visionbeyondsight.org)

San Francisco - Independent Living Resource Center San Francisco (ILRC-SF)

649 Mission Street, 3rd Floor

San Francisco, CA 94105

Phone: (415) 543-6222

Fax: (415) 543-6318

Website: <http://www.ilrcsf.org/>

Santa Clara Valley Blind Center

101 North Bascom Avenue

San Jose, CA 95128

Tel: 408-295-4016

Fax: 408-295-1398

Website: [www.visionbeyondsight.org](http://www.visionbeyondsight.org)

San Jose - Silicon Valley Independent Living Center (SVILC)

2202 N. First Street

San Jose, CA 95131

Phone: (408) 894-9041

Fax: (408) 894-9050

TDD: (408) 894-9012

Website: <http://www.svilc.org/>

San Mateo - Center for Independence of Individuals with Disabilities (CID)

1515 South El Camino, Suite 400

San Mateo, CA 94402

Phone: (650) 645-1780

Fax: (650) 645-1785

Website: <http://www.cidsanmateo.org/>

East Bay Center for the Blind

2928 Adeline Street

Berkeley, CA 94703-2503

Phone: (510) 843-6935

Fax: (510) 843-6006

Website: <http://eastbaycenterfortheblind.org/>

The Hatlen Center for the Blind

2430 Road 20 #B112

San Pablo, CA 94806-3704

1 Phone: (510) 234-4984  
2 Fax: (510) 234-4986  
3 Website: <http://www.hcblind.org/about/>

4 California Department of Rehabilitation: Orientation Center for the Blind  
400 Adams Street  
5 Albany, CA 94706  
Phone: (510) 559-1208  
6 Website: <http://www.dor.ca.gov/OCB/index.html>

7 Berkeley - Center for Independent Living (CIL)  
8 3075 Adeline Street, Ste. 100  
Berkeley, CA 94703  
9 Phone: (510) 841-4776  
Fax: (510) 841-6168  
10 Website: <http://www.cilberkeley.org/>

11 Concord - Independent Living Resources of Solano & Contra Costa Counties (ILR)  
12 1850 Gateway Blvd., Suite 120  
Concord, CA 94520  
13 Phone: (925) 363-7293  
Fax: (925) 363-7296  
14 Website: <http://www.ilrsc.org/>

15 Hayward - Community Resources for Independent Living (CRIL)  
16 439 A Street  
Hayward, CA 94541  
17 Phone: (510) 881-5743  
Fax: (510) 881-1593  
18 Website: <http://crilhayward.org/>

19 Marin Center for Independent Living (MCIL)  
20 710 Fourth Street  
San Rafael, CA 94901  
21 Phone: (415) 459-6245  
Fax: (415) 459-7047  
22 Website: <http://www.marincil.org/>

23 Society for the Blind  
24 1238 S Street  
Sacramento, CA 95811  
25 Phone: (916) 452-8271  
Fax: (916) 492-2483.  
26 Website: <http://www.societyfortheblind.org>

27 Blind & Visually Impaired Center of Monterey County  
28 225 Laurel Avenue  
Pacific Grove, CA 93950

1 Local Telephone: (831) 649-3505  
2 Toll Free Telephone: (800) 404-3505  
3 Website: <http://www.blindandlowvision.org>

4 California School for the Blind  
5 500 Walnut Avenue  
6 Fremont, CA 94536  
7 Phone: (510) 794-3800  
8 Website: <http://www.csb-cde.ca.gov>

9 Community Center for the Blind  
10 130 West Flora Street  
11 Stockton, CA 95202  
12 Phone: (209) 466-3836  
13 Website: <http://www.communitycenterfortheblind.org/>

14 Chico: Independent Living Services of Northern California (ILSNC)  
15 The Jennifer Roberts Building  
16 1161 East Avenue  
17 Chico, CA 95926  
18 Phone: (800) 464-8527  
19 Fax: (530) 893-8574  
20 VP/TTY: (530) 893-8527  
21 Website: <http://ilsnc.org/>

22 Santa Rosa - Disability Services & Legal Center (DSLCL)  
23 521 Mendocino Ave  
24 Santa Rosa, CA 95401  
25 Phone: (707) 528-2745  
26 Fax: (707) 528-9477  
27 TTY: (707) 528-2151  
28 Website: <http://www.disabilityserviceandlegal.org/>

Center for the Blind & Visually Impaired  
1124 Baker Street  
Bakersfield, CA 93305  
Phone: (661) 322-5234  
Website: [www.cbvi.org](http://www.cbvi.org)

Auburn - Placer Independent Resource Services (PIRS)  
11768 Atwood Road, Suite 29  
Auburn, CA 95603  
Phone: (530) 885-6100  
Fax: (530) 885-3032  
Website: <http://www.pirs.org/>

Bakersfield - Independent Living Center of Kern County (ILCKC)  
5251 Office Park Drive, Ste. 200



1 Bakersfield, CA 93309  
2 Phone: (661) 325-1063  
3 Fax: (661) 325-6702  
4 Website: <http://www.ilcofkerncounty.org/>

5 Fresno - Resources for Independence, Central Valley (RICV)  
6 3008 North Fresno Street  
7 Fresno, CA 93703  
8 Phone: (559) 221-2330  
9 Fax: (559) 221-2340  
10 TTY: (559) 221-2342  
11 Website: <http://www.ricv.org/>

12 Salinas - Central Coast Center for Independent Living (CCCIL)  
13 318 Cayuga St. Suite 208  
14 Salinas, CA 93901  
15 Phone: (831) 757-2968  
16 Fax: (831) 757-5549  
17 TTY: (831) 757-3949  
18 Website: <http://www.cccil.org/>

19 San Diego Center for the Blind and Vision Impaired  
20 5922 El Cajon Boulevard  
21 San Diego, CA 92115  
22 Phone: (619) 583-1542  
23 <http://www.sdcv.org/>

24 Braille Institute of America  
25 741 North Vermont Avenue  
26 Los Angeles, CA 90029  
27 Local Telephone: (323) 663-1111  
28 Toll Free Telephone: (800) 272-4553  
Website: <http://www.brailleinstitute.org>

Claremont - Services Center for Independent Living (SCIL)  
107 Spring Street  
Claremont, CA 91711  
Phone: (909) 621-6722  
Fax: (909) 445-0727  
Website: <http://scil-ilc.org/>

Downey - Southern California Rehabilitation Services (SCRS)  
7830 Quill Drive, Suite D  
Downey, CA 90242  
Phone: (562) 862-6531  
Fax: (562) 923-5274  
Website: <http://scrs-ilc.org/>

1 Garden Grove - Dayle McIntosh Center (DMC)  
2 13272 Garden Grove Blvd.  
3 Garden Grove, CA 92843  
4 Phone: (714) 621-3300  
5 Fax: (714) 663-2094  
6 Website: <http://www.daylemc.org/>

7 Long Beach - Disabled Resource Center (DRC)  
8 2750 East Spring Street, #100  
9 Long Beach, CA 90806-2249  
10 Phone: (562) 427-1000  
11 Fax: (562) 427-2027  
12 Website: <http://www.drcinc.org/>

13 Riverside - Community Access Center (CAC)  
14 6848 Magnolia Avenue, Suite 150  
15 Riverside, CA 92506  
16 Phone: (951) 274-0358  
17 Fax: (951) 274-0833  
18 TTY: (951) 274-0834  
19 Website: <http://www.ilcac.org/>

20 San Bernardino - Rolling Start, Inc. (RSI)  
21 570 West 4th Street, Suite 107  
22 San Bernardino, CA 92401  
23 Phone: (909) 884-2129  
24 Fax: (909) 386-7446  
25 TDD: (909) 884-7396  
26 Website: <http://www.rollingstart.org/contact.html>

27 San Diego - Access to Independence San Diego (A2iSD)  
28 8885 Rio San Diego Drive, Ste. 131  
San Diego, CA 92108  
Phone: (619) 293-3500  
Fax: (619) 293-3508  
TDD: (619) 293-7757  
Website: <http://www.rehab.cahwnet.gov/ILS/ILC-A2ISD.html>

Santa Barbara - Independent Living Resource Center (ILRC)  
423 West Victoria Street  
Santa Barbara, CA 93101  
Phone: (805) 963-0595  
Fax: (805) 963-1350  
Website: <http://www.ilrc-trico.org/>

Junior Blind of America  
5300 Angeles Vista Boulevard  
Los Angeles, CA 90043

Phone: (323) 295-4555

Website: <http://www.juniorblind.org/site/>

Guide Dogs for the Blind

350 Los Ranchitos Road,

San Rafael, CA 94903

Phone: (415) 499-4000

Fax: (415) 499-403

Website: <http://www.guidedogs.com/site/PageServer>

Guide Dogs of the Desert

60740 Dillon Road

Whitewater, CA 92282

Phone: (760) 329-6257 or (888) 883-0022

Fax: (760) 329-2866

Website: <http://guidedogsofthedesert.org/contact.html>

Guide Dogs of America

13445 Glenoaks Boulevard

Sylmar, CA 9134

Phone: (818) 362-5834

Fax: (818) 362-6870

Website: <http://www.guidedogsofamerica.org/>

Matilda Ziegler Magazine for the Blind

Email: [Editor@matildaziegler.com](mailto:Editor@matildaziegler.com)

Website: <http://www.matildaziegler.com/about/>

AFB AccessWorld Magazine

Email: [lhuffman@afb.net](mailto:lhuffman@afb.net)

Website: [http://www.afb.org/aw/contact\\_aw.asp](http://www.afb.org/aw/contact_aw.asp)

8. The Court finds that the forms of notice to Class Members regarding the proposed Settlement Agreement, including the methods of dissemination to the proposed Settlement Class in accordance with the terms of this Order, meet the requirements for due process, the requirements of Rules 23(c)(2) and 23(e) of the Federal Rules of Civil Procedure, and constitute the best notice practicable under the circumstances.
9. Class Counsel shall file its motion for reasonable fees and costs no later than October 29, 2014 and shall provide instructions for accessing the motion for reasonable fees and costs and any exhibits to that motion on the Settlement Website and in the Notice to the Settlement Class.

10. No later than December 3, 2014, Class Counsel shall file a sworn statement evidencing compliance with the notice provisions of this order.
11. A hearing (the "Fairness Hearing") shall be held before this Court on December 17, 2014 at 9:00 a.m. in the United States District Court for the Northern District of California (Oakland Courthouse), located at 1301 Clay Street, Oakland, CA, 3<sup>rd</sup> Floor, Courtroom 3, to determine whether the Agreement shall be granted final approval, and to address any related matters, including Class Counsel's motion for an award of reasonable attorneys' fees and costs.
12. The Fairness Hearing may, from time to time and without further notice to the Settlement Class (except those who have filed timely objections or entered appearances), be continued or adjourned by order of the Court.
13. Members of the Settlement Class may register their objections to the Agreement by filing written objections with this Court. Objections and accompanying verification must be received by November 12, 2014. Members of the Settlement Class who also wish to appear at the Fairness Hearing and object to the Agreement in person must so state at the time they file their written objections. Any Settlement Class member who does not make his or her objection in the manner provided for in this Order shall be deemed to have waived such objection.
14. Members of the Settlement Class may not opt out of the settlement of the injunctive and declaratory relief claims. Members of the Settlement Class may opt out of the damages portion of the Agreement by visiting the Settlement Website and following the instructions on that website for completing and submitting an on-line opt-out statement or by submitting a written opt-out statement to the Administrator identified in Paragraph 16 below by November 12, 2014.
15. Any member of the Settlement Class who does not opt out in the manner provided by the Agreement will be bound by the Final Judgment dismissing the Action with prejudice.

16. Kurtzman Carson Consultants LLC (“KCC” and/or “Administrator”) is hereby appointed as Administrator for opt-out submissions and administration of damages claims under the Agreement. The parties and KCC will administer damages claims as provided for under the Agreement. KCC shall maintain the Settlement Website and shall keep a written record of any individuals who opt out of the damages portion of the Agreement. KCC shall serve copies of any opt-out statements it receives on Class Counsel and Counsel for Redbox not later than three (3) business days after receipt thereof and shall file the opt-out statements with the Clerk of the Court not later than December 3, 2014.
17. All responses to objections shall be filed with the Court and served by mail on the Parties’ Counsel and on any objectors no later than December 3, 2014.
18. Counsel for the parties is hereby authorized to utilize all reasonable procedures in connection with the administration of the Agreement which are not materially inconsistent with either this Order or the terms of the Agreement.

IT IS SO ORDERED:

Dated: July 31, 2014

PHYLLIS J. HAMILTON  
Judge of the United States District Court  
Northern California

